

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VICTOR HERNANDEZ,

Plaintiff,

v.

CITY OF PHILADELPHIA, et al.,

Defendants.

CIVIL ACTION

NO. 22-0027-KSM

ORDER

AND NOW, this 23rd day of June, 2022, upon consideration of Defendant City of Philadelphia's Motion to Dismiss for Failure to State a Claim (Doc. No. 12), Plaintiff's Response to Defendant City of Philadelphia's Motion to Dismiss Plaintiff's Complaint (Doc. No. 14), the City of Philadelphia's Reply Brief in Support of the City's Motion to Dismiss for Failure to State a Claim (Doc. No. 15), and Plaintiff's Sur Reply (Doc. No. 16), it is **HEREBY** ordered as follows:

1. The City of Philadelphia's Motion is **GRANTED**, and Plaintiff's claims against City of Philadelphia are **DISMISSED WITHOUT PREJUDICE**.

2. Plaintiff may file an amended complaint by **July 14, 2022**.

IT IS SO ORDERED.

/s/ Karen Spencer Marston

KAREN SPENCER MARSTON, J.